IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.1176 of 2005**

DATE OF DECISION: November 7, 2006

RAGHBIR ...PETITIONER

VERSUS

THE COMMISSIONER, GURGAON DIVISION, GURGAON, HARYANA AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MRS. JUSTICE NIRMAL YADAV.

PRESENT: MR. N.S. SHEKHAWAT, ADVOCATE FOR THE PETITIONER.
MR. R.S. KUNDU, ADDL.A.G., HARYANA.
MR. ROOPAM AGGARWAL, ADVOCATE FOR RESPONDENT NO.4.
MR. S.P. LALER, ADVOCATE FOR RESPONDENT NO.5.

ASHUTOSH MOHUNTA, J. (ORAL)

The petitioner has challenged the orders passed by the Revenue Authorities by which he was ordered to be evicted from the land in dispute. An application under Section 7(2) of the Punjab Village Common Lands (Regulation) Act was filed by respondent No.5 Gajraj, wherein it was averred that the petitioner has encroached upon the *rasta* which is a public thoroughfare and which is used by the inhabitants of the village. The Assistant Collector, Ist Grade appointed a Local Commissioner who vide his report, Annexure P-4 dated 18.4.2001 has found that the petitioner has encroached upon the suit land by raising construction. The petitioner was accordingly ordered to be evicted. The appeal and the revisions filed by the petitioner have also been dismissed.

A perusal of the impugned order shows that in order to find out whether the petitioner has encroached upon the land in dispute or not, the

Assistant Collector, IInd Grade (Naib Tehsildar), Rewari appointed a Local Commissioner to conduct the demarcation of the disputed land. It has been observed by the learned counsel that the petitioner has encroached upon the land comprised in Khasra No.82 in village Fadni, Tehsil Rewari, District Rewari. The measurements were taken after the concerned parties were informed through the Patwali Halka.

The petitioner has raised illegal construction in Khasra No.82 and has encroached upon the land in dispute and thus, obstructed the *rasta* which is being used by the inhabitants of the village. All the Assistant Collector, Collector as well as the Commissioner have returned a concurrent finding of fact which are upheld.

In view of the above, we find no merit in the writ petition and same is dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

November 7, 2006
Gulati

(NIRMAL YADAV)
JUDGE